

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

ANGELITA GOMEZ,)	Case No. 08-3337 SC
)	
Plaintiff,)	ORDER RE: PROPOSED CY PRES
)	<u>SETTLEMENT DISTRIBUTION</u>
v.)	
)	
PEROT SYSTEMS CORPORATION, a)	
Delaware Corporation; and DOES 1)	
to 50, inclusive)	
)	
)	
Defendants.)	
)	
)	

The parties have filed a stipulation in which they seek an order distributing the residue of the settlement fund to cy pres beneficiaries San Francisco Legal Aid Society and Arriba Juntos. ECF No. 68. The parties allege that 1,301 settlement award checks totaling \$2,103,289.26 have been mailed to class members; they allege that all but 72 of the checks have been cashed, leaving an expected residue of \$114,631.63. Id. The parties argue that distribution to the cy pres beneficiaries is justified because "after taxes and administration costs, the average payment of a second distribution would be less than \$100 for each class member." Id. The parties also allege that \$23,207.27 of the residue is not immediately available, and will only be available "within the next 18 months from the return of employee- and employer-paid taxes

1 already paid to the taxing authorities." Id.

2 Based on the numbers provided by the parties, the Court
3 calculates that if the residue was distributed evenly to class
4 members who cashed the first distribution check, each such class
5 member would receive an additional \$91. This is not an
6 insignificant amount of money. Accordingly, the Court DEFERS its
7 ruling until the parties provide the Court with an estimate of the
8 effect of administration costs on such a secondary distribution.
9 The parties should also provide greater detail as to when the bulk
10 of the \$23,207.27 in refunded taxes will be available for
11 distribution.

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13 IT IS SO ORDERED.

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15 Dated: June 23, 2011

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17 UNITED STATES DISTRICT JUDGE
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